REGULATION No. I OF 1884.

The Mysore Chief Court Regulation, 1884.

WHEREAS it is expedient to amend the constitution of the Chief Court of Mysore, His Highness the Maharaja of Mysore is pleased to enact as follows:—

Short title.

1. This Regulation may be called "The Mysore Chief Court Regulation, 1884."

Extent and Commencement.

It shall extend to the whole of the territories of Mysore; and

It shall come into force on the twenty-eighth day of May 1884.

Saving of British jurisdiction.

But nothing herein contained shall affect any jurisdiction vested in the British Government.

Repeal.

2. On and from that day, the Rules published with Government of India—Foreign Department—Notifications No. 236 I. J., dated 27th August 1879, and Nos. 281 I. J. and 282 J. G., dated 10th October 1879, shall be repealed.

Interpretation Clause.

3. In this Regulation, unless a contrary intention appears from the context,—

"Chief Court" means the Chief Court of Mysore as constituted under this Regulation; and

"Chief Judge" means the Chief Judge of the said Chief Court appointed under this Regulation;

And reference to the "Chief Court" or to the "High Court" in any Regulation, Act, or other law for the time being in force, shall be deemed to have been made to the Chief Court as constituted under this Regulation.

"Full Bench" means a Bench consisting of all the Judges of the Chief Court.

Constitution of Chief Court.

4. The Chief Court of Mysore shall consist of three or more Judges who shall be appointed by His Highness the Maharaja of Mysore, and shall hold their offices during His Highness' pleasure.

One of the Judges of the Chief Court shall be appointed to be the Chief Judge of that Court by His Highness the Maharaja, provided that the officer holding the appointment of the Chief Judge at the time of this Regulation coming into operation shall become the Chief Judge of the Chief Court of Mysore as constituted under this Regulation without further appointment.

Precedence of Judges.

5. The Chief Judge shall have rank and precedence before the other Judges of the Chief Court, who as between themselves

shall have rank and precedence according to the seniority of their appointments as such Judges.

Seal of Chief Court.

6. The Chief Court shall have and use, as occasion may require, a seal bearing a device and impression of the Royal Arms of His Highness the Maharaja of Mysore with the inscription "The Chief Court of Mysore" in English and Kanarese. The said seal shall ordinarily be kept in the custody of the Chief Judge.

All decrees, orders, summonses and other processes issued by the Chief Court shall be sealed with the said seal and shall be signed by a Judge or the Registrar of the Chief Court.

Appointment of ministerial officers.

7. (1) The Chief Court may, from time to time, and subject to any rules and restrictions which may be prescribed by the Government of Mysore, appoint a Registrar and a Deputy Registrar and such other ministerial officers as may be necessary for the administration of justice by the Chief Court and for the exercise of the powers and discharge of the duties conferred and imposed on the said Court by this Regulation.

(2) The appointment of the Registrar and Deputy Registrar shall be subject to the sanction of the Government of Mysore.

(3) The Registrar and other ministerial officers of the Chief Court holding appointments on the date of this Regulation coming into force shall be deemed to have been appointed hereunder.

Duties of ministerial officers.

8. The officers appointed under the last preceding section shall exercise such powers and discharge such duties of a ministerial nature as the Chief Court may, from time to time, direct.

Suspension and dismissal of ministerial officers.

9. Any such officer may be suspended or dismissed from his office by order of the Chief Court, provided that the Registrar and Deputy Registrar shall not be dismissed without the previous sanction of the Government of Mysore.

Chief Court to be highest Court, having control over all other Courts.

10. The Chief Court shall be deemed, for the purpose of all enactments for the time being in force, to be the highest Court of civil and criminal appeal, reference and revision in the territories of Mysore, and all the Courts, civil and criminal, in the said territories shall be subject to its superintendence and control.

Law in cases of succession, &c.

11. Where, in any suit or proceeding, it is necessary for the Chief Court to decide any question regarding succession, inheritance, marriage, or caste, or any religious usage or institution,

(*a*) the Muhammadan Law where the parties are Muhammadans, and the Hindu Law where the parties are Hindus, or

(*b*) any custom (if such there be) having the force of law and governing the parties or property concerned,

shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished.

(*c*) In cases where no specific rule exists, the Chief Court shall act according to justice, equity and good conscience.

Ordinary original civil and criminal jurisdiction of Chief Court.

[a] **12.** (1) The Government of Mysore may, whenever it deems fit, confer upon the Chief Court, by notification in the official Gazette, the ordinary original civil jurisdiction of a District Court in all suits and proceedings of a civil nature, or the ordinary original criminal jurisdiction of a Sessions Court, or both such jurisdictions, to be exercised within such local limits as the said Government may, from time to time, declare and appoint in that behalf.

(2) The said Government may, whenever it deems fit, withdraw the ordinary original jurisdiction conferred upon the Chief Court under this section and appoint a separate Judge or Judges for the exercise of the jurisdiction thus withdrawn.

(3) The local limits within which ordinary original civil jurisdiction is conferred upon the Chief Court under this section shall be deemed to be a District within the meaning of the Code of Civil Procedure.

(4) The local limits within which ordinary original criminal jurisdiction is conferred upon the Chief Court under this section shall be deemed to be a Sessions Division within the meaning of the Code of Criminal Procedure.

(5) For the purpose of exercising the ordinary original civil jurisdiction conferred upon the Chief Court under section 12, the Chief Court shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the District Court of the aforesaid District under "The Mysore Civil Courts Regulation, 1883."

(6) For the purpose of exercising the ordinary original criminal jurisdiction conferred upon the Chief Court under section 12, the Chief Court shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the Court of Session for the aforesaid Sessions Division under the Code of Criminal Procedure.

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[a] Section 12 was substituted for the original section by Regulation II of 1890.

Sections 13-15.

Appeals, &c., from decisions of Chief Court in exercise of original jurisdiction.

[a] **13.** Appeals against, references regarding, and applications for revision of, judgments, decrees, orders, or sentences passed by a Judge of the Chief Court, in the exercise of the original civil and criminal jurisdiction conferred upon it under section 12 or vested in it under any law for the time being in force, shall, when allowed by law, be heard either by a Bench consisting of two other Judges of the Chief Court or by the Full Bench of the said Court, as the Government of Mysore may, by notification published in the official Gazette, from time to time, direct. When there arises a difference of opinion between the two Judges composing a Bench hearing any appeal, reference or application under this section, the decision shall, notwithstanding anything contained in section 15 of this Regulation, or section 575 of the Code of Civil Procedure, or section 429 of the Code of Criminal Procedure, follow the original judgment, decree, order or sentence.

Chief Court's jurisdiction to hear and decide appeals from judgments, &c., of subordinate Courts.

[b] **14.** (1) The Government of Mysore may, whenever it deems fit, and within such local limits as the said Government may, from time to time, declare and appoint, confer upon the Chief Court, by notification published in the official Gazette, jurisdiction to hear and decide all such appeals as are allowed by law to a District Court or Court of Session, from judgments, orders, decrees, or sentences passed by any subordinate Court, civil or criminal, within the local limits aforesaid.

(2) During the continuance of such notification as aforesaid, the jurisdiction conferred thereby upon the Chief Court shall not be exercised by the District Court or Court of Session in which such jurisdiction would, but for such notification, ordinarily, vest, except as regards cases of appeals which may be transferred by the Chief Court for hearing and disposal by such District Court or Court of Session.

(3) The Government of Mysore may, whenever it deems fit, by notification published in the official Gazette, withdraw any appellate jurisdiction conferred upon the Chief Court under this section.

Appeals other than those under section 13 to be heard by a Bench of Judges.

[c] **15.** (1) All appeals, civil and criminal, other than appeals referred to in section 13, which lie to the Chief Court under any law for the time being in force, as well as all cases referred to the

[a] Section 13 was substituted for the original section by Regulation II of 1890.

[b] Section 14 was substituted for the original section by Regulation II of 1890.

[c] Section 15 was substituted for the original section by Regulation II of 1890.

18. The Government of Mysore may, whenever it deems fit to do so, confer upon a Chief Judge all or any of the powers hereunder in this section specified, and may, from time to time, cancel any such order. Powers which may be conferred upon Chief Judge.

The Chief Judge empowered under this section shall exercise all the powers conferred upon him under this section, and the exercise of such powers by him shall be deemed to be the exercise of the same by the Chief Court under this Regulation.

The powers referred to in this section are —

1stly. The appointment of ministerial officers under paragraph 1 of section 7.

2ndly. The direction as to the powers and duties of ministerial officers under section 8.

3rdly. The distribution of the work of the Chief Court between himself and the other Judges of the said Court.

19. Except as herein or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide, in such manner as it thinks fit, for the exercise, by one or more of its Judges, of any powers conferred on it by this Regulation or by any other enactment for the time being in force. Rules for exercise by one or more Judges of powers vested in Chief Court.

Provided that no decree, order, sentence or decision of any Court shall be reversed by any Judge of the Chief Court sitting alone.

20. The Chief Court may, from time to time,— Power of Chief Court to make rules.

(*a*) make rules consistent with this Regulation conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a ministerial nature as it thinks fit, and regulating the mode in which the powers and duties so conferred and imposed shall be exercised and performed;

(*b*) make rules consistent with this Regulation to determine in what cases Pleaders practising in such Courts shall be permitted to address such Courts in English;

(*c*) prescribe forms for such books, entries, statistics, and accounts as it thinks necessary should be kept, made or compiled in such Courts or submitted to any authority;

(*d*) make rules consistent with this Regulation providing for the inspection of such Courts and supervision of the working thereof;

(*e*) make such rules consistent with this Regulation, institute such enquiries and submit such recommendations to the Government of Mysore, as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of such Courts and maintaining proper discipline among such officers.

Rules and forms under sections 19 and 20 to be submitted for sanction to Government.

21. All rules made and forms prescribed under sections 19 and 20 shall be submitted for sanction to the Government of Mysore, and, on receiving such sanction, shall be published in the official Gazette, and shall thereupon have the force of law.

Chief Court to keep registers, &c.

22. The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Government of Mysore such copies of, or extracts from, the said registers, books and accounts, as well as such statements of the work done in the Chief Court and in the Courts subordinate thereto, as may, from time to time, be required by the Government of Mysore.

Pending cases, appeals and applications.

23. All cases, appeals and applications, civil or criminal, which shall be pending before the Court of the District and Sessions Judge of the Nandidrug Division on the 28th day of May 1884, except such civil cases and applications as are within the jurisdiction of a Court of a Subordinate Judge, shall be heard and decided by the Chief Court under this Regulation.

Chief Court for confirmation of a sentence of death, shall be heard by a Bench consisting of not less than two Judges of the said Court.

(2) Any Bench of Judges of the Chief Court may refer to a Full Bench of the said Court any question of law or usage having the force of law, the construction of any document or admissibility of any evidence in any proceeding pending before it, on which there is no further appeal under the law for the time being in force.

(3) The decision of the majority of Judges comprising any Full Bench of the Chief Court or other Bench of the said Court consisting of not less than three Judges shall be the decision of the Chief Court. When a Bench of the Chief Court consists of only two Judges and there is a difference of opinion between such Judges on any material question pending before it, such question shall be referred to a Full Bench and the decision of the majority of Judges on such Full Bench shall be the decision of the Chief Court.

Power of Chief Court to transfer cases pending before it.

[a] **16.** The Chief Court may, whenever it deems fit, transfer any case pending before it, whether of a civil or criminal nature, and whether original or appellate, to any Court of competent jurisdiction, whether situated within, or beyond, the local limits referred to in sections 12 and 14 of this Regulation.

Place of sittings of Chief Court.

17. The Chief Court shall hold its sittings at such place as the Government of Mysore may, from time to time, appoint in that behalf.

Whenever it appears to the Government of Mysore convenient that the jurisdiction and powers vested in the Chief Court by this Regulation, or any other law for the time being in force, should be exercised in any place other than the place appointed under paragraph 1 of this section, or at several of such other places by way of circuit, the Government of Mysore may by order authorize and direct any one or more of the Judges of such Court to hold sittings in such place or places as by such order may be directed, and the Judge or Judges acting under such order shall have and exercise the same jurisdiction and authority as would be had and exercised by a Judge or Judges of the Chief Court, as the case may be, in its ordinary place of sitting.

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[a] Section 16 was substituted for the original section by Regulation II of 1890.

Powers which may be conferred upon Chief Judge.

18. The Government of Mysore may, whenever it deems fit to do so, confer upon a Chief Judge all or any of the powers hereunder in this section specified, and may, from time to time, cancel any such order.

The Chief Judge empowered under this section shall exercise all the powers conferred upon him under this section, and the exercise of such powers by him shall be deemed to be the exercise of the same by the Chief Court under this Regulation.

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Rules for exercise by one or more Judges of powers vested in Chief Court.

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